

LMK
Karcas, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STEPHEN J. PHELAN, *et al.*,

Plaintiffs,

v.

TITLE INSURANCE RATE SERVICE
ASSOCIATION, INC., *et al.*,

Defendants.
-----X

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DOC #: _____
DATE FILED: _____

Case No. 08 Civ. 4287 (KMK)

**STIPULATION EXTENDING DEADLINE TO RESPOND TO THE COMPLAINT AND
STAYING ALL PROCEEDINGS PENDING DETERMINATION BY THE JUDICIAL
PANEL ON MULTIDISTRICT LITIGATION OF MOTION FOR COORDINATED OR
CONSOLIDATED PRETRIAL PROCEEDINGS**

IT IS HEREBY STIPULATED AND AGREED by Plaintiffs and Defendants, in
the above-captioned action, through their undersigned counsel, as follows:

- 1) The undersigned attorneys for Defendants shall accept service of the Complaint in the above-captioned action on behalf of those Defendants listed below each attorney's respective signature block.
- 2) All proceedings in the above-captioned action shall be stayed until the Judicial Panel on Multidistrict Litigation determines the pending Motion for Transfer of Actions Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings filed in *In re Title Insurance Real Estate Settlement Procedures Act (RESPA) and Antitrust Litigation*, MDL No. 1951 (the "MDL Motion"). The stay of all proceedings is conditioned upon (1) the inclusion of a similar stay of proceedings in any stipulations filed after the date of this stipulation in any

action that is the subject of the MDL Motion, or (2) a request for the Court in any such action to enter a stay of all proceedings.

3) Defendants shall not be obligated to answer, move against, or otherwise respond to the Complaint in the above-captioned action until 45 days after the later of: (1) this Court determines whether the above-captioned action shall be consolidated with all other actions purportedly involving common questions of law or fact, (2) the filing of a consolidated complaint, or (3) the Judicial Panel on Multidistrict Litigation determines the pending MDL Motion (the "Response Date").

4) Plaintiffs shall not be obligated to oppose any motion to dismiss by any Defendant until 60 days after the Response Date.

5) Defendants shall have 30 days to reply to Plaintiffs' opposition to any motion to dismiss.

6) Nothing in this stipulation shall be construed as a waiver of any party's right to seek or oppose transfer, coordination and/or consolidation of this action with any other action.

7) By entering into this stipulation, Defendants do not waive any defenses based on subject matter or personal jurisdiction, improper venue, or failure to state a claim upon which relief can be granted and no party waives any other rights that they have.

8) This stipulation may be executed in counterparts, including by signature transmitted by facsimile.

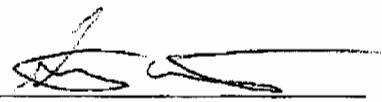
Dated: New York, New York
June 2, 2008

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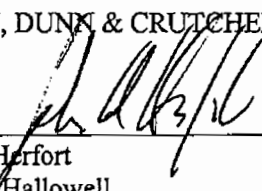
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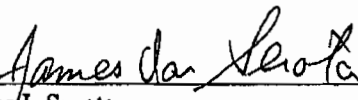
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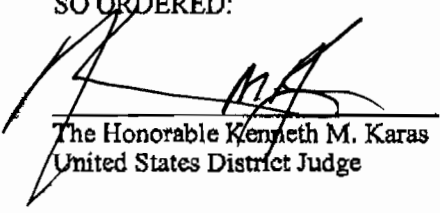
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Attorneys for Defendants Old Republic International Corporation, Old Republic National Title Insurance Company, and American Guaranty Title Insurance Company

SO ORDERED:


The Honorable Kenneth M. Karas
United States District Judge

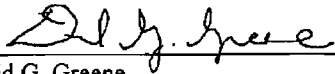
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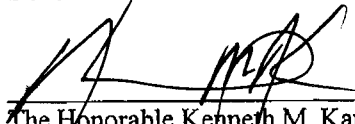
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SO ORDERED:


The Honorable Kenneth M. Karas
United States District Judge

Dated: 6/13/08